

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JOE HOLCOMBE, et. al,	§	NO. 5:18-CV-00555-XR
	§	
Plaintiffs	§	Consolidated with:
	§	5:18-cv-00712-XR (<i>Vidal</i>)
	§	5:18-cv-00881-XR (<i>Uhl</i>)
vs.	§	5:18-cv-00944-XR (<i>Ramsey</i>)
	§	5:18-cv-00949-XR (<i>McNulty</i>)
UNITED STATES OF AMERICA,	§	5:18-cv-00951-XR (<i>Wall</i>)
	§	5:18-cv-01151-XR (<i>Amador</i>)
Defendant	§	5:19-cv-00184-XR (<i>Brown</i>)
	§	5:19-cv-00289-XR (<i>Ward</i>)
	§	5:19-cv-00506-XR (<i>Workman</i>)
	§	5:19-cv-00678-XR (<i>Colbath</i>)
	§	5:19-cv-00691-XR (<i>Braden</i>)
	§	5:19-cv-00706-XR (<i>Lookingbill</i>)
	§	5:19-cv-00714-XR (<i>Solis</i>)
	§	5:19-cv-00715-XR (<i>McKenzie</i>)
	§	5:19-cv-00805-XR (<i>Curnow</i>)
	§	5:19-cv-00705-XR (<i>Workman</i>)
	§	5:19-cv-00806-XR (<i>Macias</i>)

UNITED STATES' MOTION FOR LEAVE TO FILE IN EXCESS OF TEN PAGES

Comes now the Defendant, United States of America, pursuant to rule CV-7 of the Local Rules of the United States District Court for the Western District of Texas, files this Motion For Leave to File its Motion to Compel in Excess of Ten Pages, and in support thereof would show as follows:

Rule CV-7, of the Local Rules states that non-dispositive motions filed with the Court shall be limited to ten (10) pages in length, unless otherwise authorized by the Court. Defendant United States seeks to file its Motion to Compel in excess of ten pages.

Due to the unusual circumstances that prevailed at the June 23, 2020 deposition of Michael Kelley, a lengthy description of the events is required to apprise the Court of the full details. In summary, at his deposition, Michael Kelley issued a blanket invocation of the Fifth Amendment, and his counsel behaved in a manner that was sanctionable. As a result of these actions, as well as the actions of counsel for Danielle Smith, the United States was forced to suspend Mr. Kelley's deposition and to postpone the depositions of Rebecca Kelley and Danielle Smith. The length of the motion is necessary to properly address the factual allegations and legal issues involved in these depositions.

WHEREFORE, PREMISES CONSIDERED, Defendant United States prays that this Motion for Leave to File in Excess of Ten Pages be granted and pray for such other and further relief to which Defendant may be entitled. Defendant's Motion to Compel (Ex. 1) is attached for the Court's review.

JOSEPH H. HUNT
Assistant Attorney General
Civil Division
JOHN F. BASH
United States Attorney
STEPHEN E. HANDLER
Senior Trial Counsel, Torts Branch
Civil Division

Paul David Stern
PAUL DAVID STERN
Trial Attorney, Torts Branch
Civil Division
United States Department of Justice
Attorneys for Defendant
UNITED STATES OF AMERICA

CERTIFICATE OF SERVICE

I certify that on July 1, 2020, I electronically filed the foregoing with the clerk of court by using the CM/ECF system. Additionally, I sent copies of the motion via email to the following attorneys:

Jamal K. Alsaffar
Tom Jacob
WHITEHURST, HARKNESS, BREES, CHENG,
ALSAFFAR & HIGGINBOTHAM & JACOB
PLLC
7500 Rialto Blvd, Bldg. Two, Ste 250 Austin, TX
78735
Thomas J. Henry
Bar No. 09484210

J. Dean Jackson
CURNEY, FARMER, HOUSE,
OSUNA & JACKSON, P.C.

Gerald E. Bourque
24 WATERWAY AVE., SUITE 660, THE
WOODLANDS, TEXAS 77380

Paul David Stern
PAUL DAVID STERN
Trial Attorney, Torts Branch
Attorney for Defendant